

EPW

Practitioner's Docket No. 700938-52220-DIV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshiyuki Tatsumi, Mamoru Yokoo, Kosho Nakamura, and Tadashi Arika

Application No.: 10/685,266 Group No.: 1651  
Filed: 10/14/2003 Examiner: To be assigned  
For: METHOD FOR DETECTING PATHOGENIC MICROORGANISM AND  
ANTIMICROBIAL AGENT, METHOD FOR EVALUATING EFFECT OF  
ANTIMICROBIAL AGENT, AND ANTIMICROBIAL AGENT

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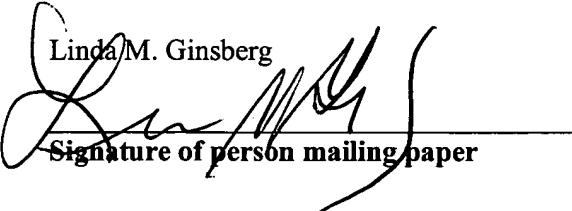
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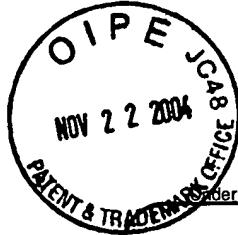
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/685,266
Filing Date	October 14, 2003
First Named Inventor	Yoshiyuki Tatsumi
Art Unit	1651
Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number 700938-52220-DIV

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		
The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110		
Signature			
Printed name	Ronald I. Eisenstein/Nicole L.M. Valtz		
Date	Nov. 16, 2004	Reg. No.	30,628/47,150

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Linda M. Ginsberg

Date

11/17/2004

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Date: November 17 2004

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**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir/Madam:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §1.56, 1.97, and 1.98, Applicants wish to bring to the Examiner's attention the following references, References B1-B2 and C1-C2 cited in the attached Form PTO/SB/08a and b.

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

(1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or

(2) within three months of the mailing date of the PCT International Search Report; or

- (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

X A copy of the European Search Report is enclosed herewith.

It is respectfully requested that each of the documents shown on the attached form(s) PTO/SB/08a be made of record in this application.

Copies of these documents (CHECK ONE):

X are enclosed herewith that have not been previously submitted; or

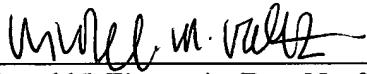
— have been cited in the parent application, and are thus not being resubmitted herein.

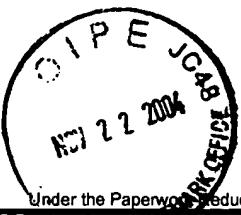
#### FEE AUTHORIZATION

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: November 16, 2004

Respectfully submitted,

  
Ronald I. Eisenstein (Reg. No. 30,628)  
Nicole L.M. Valtz (Reg. No. 47,150)  
NIXON PEABODY LLP  
100 Summer Street  
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PTO/SB/08a (08-03)

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Substitute for Form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet

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1

**Attorney Docket Number**

**Complete if Known**

Application Number	10/685,266
Filing Date	10/14/2003
First Named Inventor	Yoshiyuki Tatsumi
Art Unit	1651
Examiner Name	To be assigned
Attorney Docket Number	700938-52220-DIV

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>				
	B1	WO	99/39680	A1 08/12/1999	MACROCHEM CORPORATION		
	B2	EP	0 402 989	A2 12/19/1990	JANSSEN PHARMACEUTICA N.V.		

Examiner Signature		Date Considered	
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**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08b (08-03)

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Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

<i>Application Number</i>	10/685,266
<i>Filing Date</i>	10/14/2003
<i>First Named Inventor</i>	Yoshiyuki Tatsumi
<i>Art Unit</i>	1651
<i>Examiner Name</i>	To be assigned

Attorney Docket Number 700938-52220-DIV

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	KITAZAKI, TOMOYUKI ET AL., Chem. Pharm. Bull, Vol. 44 ( No. 2), p. 314-327, (February, 1996).	X
	C2	OGURA, HIRONOBU ET AL., Chem. Pharm. Bull, Vol. 47 ( No. 10), p. 1417-1425, (October, 1999).	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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